

REMARKS

The non-final Office action dated May 17, 2005, and the references cited have been fully considered. In response, please consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. Note, Applicants are including an Information Disclosure Statement with this response and request these references be considered.

Applicants respectfully traverse the rejections as the prior art of record, alone or in combination, neither teaches nor suggests all the recited claim limitations.

Applicants appreciate the Office's use of Alasti et al., US Patent 6,757,246, and the opportunity to demonstrate how all the claims are allowable over Alasti et al., alone or in combination with other references. Moreover, if the Office action complies with MPEP § 706 and 37 CFR 1.104(c)(2), then the Office cited the best prior art reference(s) available. As the prior art of record neither teaches nor suggests all the claim limitations of the pending claims, then all pending claims are believed to be allowable over the best prior art available, and Applicants request the claims be allowed and the application pass to issuance.

First, independent claim 1 stands rejected as being anticipated by Alasti et al., US Patent 6,757,246. The MPEP and law is clear that for anticipation, the reference *must teach each and every aspect of the claimed invention* either explicitly or impliedly, and the burden is on the Office to present a *prima facie* case of anticipation. MPEP § 706.02. Inherent means it *must* occur. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112 (*emphasis in original*).

Independent claim 1 recites the limitation:

"for each input of a plurality of inputs of a switch: generating a request to send a packet to one of a plurality of outputs of the switch from said input, said generating the request including weighted randomly selecting one of the plurality of outputs of the switch to which said input has a packet to send."

The Office's rejection of this limitation is "see step 310 figure 3 and see col. 3 lines 1-8".

Step 310 of figure 3 recites "[g]enerate a request for each received packet," and col. 3, lines 1-8 recite:

"The scheduling techniques described herein can be considered as to three aspects. First, the scheduling techniques (or arbitration techniques) can combine parallel arbitration (among the set of input ports and/or among the set of output ports) with weighted arbitration. In other words, scheduling can be performed among the output ports in parallel and/or among the input ports in parallel while also being based on weight values for the links being considered for scheduling."

The Office fails to present any teaching for the limitation of *weighted randomly selecting one of the plurality of outputs of the switch to which said input has a packet to send*. Parsing this limitation, the Office presents no teaching for the recited limitation of "weighted randomly selecting one of the plurality of outputs of the switch to which said input has a packet to send."

For at least this reason, the Office has failed to present a proper rejection. Although it is not Applicants' burden to do so until a *prima facie* case of anticipation or obviousness has been establish, Applicants have reviewed Alasti et al., and respectfully submit that it neither teaches nor suggests this limitation.

First, Applicants found no occurrence of the character string "random" in Alasti et al. (based on review of this reference as well as a text search of Alasti et al. on the USPTO's web site). If Alasti et al. use the word "random" or some variant thereof, Applicants respectfully request the Office provide such a citation to Applicants.

Moreover, Applicants believe Alasti et al. uses "weighted" in a different manner than that recited in the claims, and thus Alasti et al. provides teachings different than those which anticipate or render as obvious the limitations recited in all of the claims. Applicants believe that Alasti et al. is concerned with scheduling traffic for guaranteeing QoS, etc., such as that discussed in col. 1, lines 40-57. In other words, it is trying to match the scheduling of the sending of packets from the input ports of the switch at a rate commensurate with the arrival rate of packets at the input ports of the switch. Thus, Alasti et al.'s use of "weighted" goes to the selection of its input ports, in contrast to the recited claim limitation of "*weighted randomly selecting one of the plurality of outputs of the switch....*" For example, Alasti et al. explicitly teaches:

Scheduling is performed for a switch fabric (e.g., an input-buffered switch fabric). *A first input port from a set of input ports is selected, for a first output port, based on a weight value* uniquely associated with each link from a first set of links. Each link from the first set of links are between the first output port and a unique input port from the set of input ports. A second output port from a set of output ports is selected for a second input port.

Alasti et al., col., 1, lines 60-67. Therefore, Applicants submit that Alasti et al. teaches *selecting an input port based on a weighted value*, which neither teaches nor suggests *weighted random selection of an output* as recited in claim 1, nor even teaches or suggest merely a weighted selection of an output port, nor explicitly teaches weighted *random* selection of anything. For at least these reasons, Applicants respectfully request the rejections of independent claim 1 and its dependent claims of 2-10 be withdrawn, and claims 1-10 be allowed, as the best prior art identified by the Office neither teaches nor suggests all the claim limitations.

In regards to independent claim 11 and its dependent claims of 12-21, Applicants believe the same reasons presented for allowance of independent claim 1 over the prior art of record are directly applicable to independent claim 11, which recites the limitation: "wherein each of the plurality of request generators is configured to weighted randomly generate a request for its

associated input of a plurality of inputs of a switch, the request including a weighted random selection of one of a plurality of outputs of the switch." Additionally, Applicants respectfully submit that the Office's rejection of this limitation based on "cross bar switch 110, figure 1" and "output ports 130, see figure 1" fails to present a *prima facie* case of anticipation nor obviousness - as these illustrations provide no teaching of how they schedule the packet traffic. Further, and based on the technical teachings of the reference, Applicants respectfully submit that Alasti et al. teaches *selecting an input port based on a weighted value*, and neither teaches nor suggests *weighted random generation of a request* as recited in claim 11. For at least these reasons, Applicants respectfully request the rejections of independent claim 11 and its dependent claims of 12-21 be withdrawn, and claims 11-21 be allowed.

Independent claim 22 and its dependent claims of 23-26 are believed to be allowable for at least the reasons presented for allowance of claim 1, as independent claim 22 recites the limitation of "means for generating requests to send packets to outputs of a switch from input inputs of the switch, said means for generating said requests including *means for weighted randomly selecting, for each of said inputs having a packet to send, one of said outputs of the switch to which said input has a packet to send.*"

Independent claim 27 and its dependent claims of 28-31 are believed to be allowable for at least the reasons presented for allowance of claim 11, as independent claim 27 recites the limitation of "*for each particular input of a plurality of inputs: generating a first request including weighted randomly selecting one of a plurality of outputs.*"

Independent claim 32 and its dependent claims of 33-34 are believed to be allowable for at least the reasons presented for allowance of claim 1, as independent claim 22 recites the limitation of "wherein each of the plurality of request generators is configured to weighted randomly generate a first round request and as required a second round request for its associated input of a plurality of inputs of a switch, the first round request *includes a first weighted random selection of one of a plurality of outputs* and the second round request includes a *second weighted random selection of one of the outputs* if the first round request was not granted."

In re PANIGRAHY ET AL., Application No. 10/822,908
REMARKS A

Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the best prior art available as determined by the Office, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Applicants hereby petitions/requests a two-month extension of time, with payment for such extension of time provided by the enclosed credit card payment form (PTO-2038). Moreover, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

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Respectfully submitted,
The Law Office of Kirk D. Williams

By

 10/17/05

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